

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

DAVID LEE HALL, II,
Plaintiff,

Case No. 6:19-cv-01920-MK
ORDER

v.

TRILLIUM COMMUNITY HEALTH
PLAN, OREGON HEALTH PLAN,
Defendant,

AIKEN, District Judge.

Magistrate Judge Mustafa Kasubhai filed his Amended Findings and Recommendations (“F&R”) (doc. 9) recommending that plaintiff’s case be dismissed, with prejudice. This case is now before me. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate judge’s F&R, the district court must make a *de novo* determination of that portion of the magistrate judge’s report. *See* 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Business Machines, Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert denied*, 455 U.S. 920 (1982). In response to Magistrate Judge Kasubhai’s F&R, plaintiff filed a

document which is styled as a complaint. (doc. 11) However, having reviewed the document and in the interest of fairness the Court construes the document as timely objections to the F&R. Thus, the Court reviews the F&R *de novo*.

Having reviewed the record of this case, the Court finds that the complaint should be dismissed for failure to state a claim and for lack of subject matter jurisdiction. Thus, the Court adopts Magistrate Judge Kasubhai's F&R (doc. 9) in its entirety. Accordingly, this action is dismissed.

IT IS SO ORDERED.

Dated this 27th day of May 2020.

/s/Ann Aiken
Ann Aiken
United States District Judge